

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

TOD CORY ROTH,	:	
Plaintiff	:	CIVIL ACTION NO. 3:17-1875
v.	:	JUDGE MANNION
NANCY A. BERRYHILL,	:	
Defendant	:	

ORDER

Pending before the court is the report of Magistrate Judge Gerald B. Cohn, which recommends that the decision of the Commissioner be affirmed and the plaintiff's appeal denied. (Doc. 11). No objections have been filed to Judge Cohn's report and recommendation.

When no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether

timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

In his appeal, the plaintiff argues that the administrative law judge (“ALJ”) erred in the allocation of weight given to his treating physician’s opinion and in his assessment of the plaintiff’s credibility. In carefully considering the plaintiff’s claims, Judge Cohn found that the ALJ’s decision is supported by substantial evidence and is adequately explained in a written decision that conforms to the legal and regulatory guidelines governing Social Security claims. Accordingly, Judge Cohn recommends that the decision of the Commissioner be affirmed and the plaintiff’s appeal denied.

The court has reviewed the entire report of Judge Cohn and finds no clear error of record. The court further agrees with the sound reasoning which led Judge Cohn to his recommendation. As such, the court adopts the reasoning of Judge Cohn as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) The report and recommendation of Judge Cohn, (Doc. 11),
is ADOPTED IN ITS ENTIRETY.**

- (2) The decision of the Commissioner is **AFFIRMED** and the plaintiff's appeal **DENIED**.
- (3) The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: March 28, 2019

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